

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
WARNER BROS. RECORDS INC.;
INTERSCOPE RECORDS; MAVERICK
RECORDING COMPANY; UMG RECORDINGS,
INC.; BMG MUSIC; and VIRGIN RECORDS
AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WARNER BROS. RECORDS INC., a Delaware
corporation; INTERSCOPE RECORDS, a
California general partnership; MAVERICK
RECORDING COMPANY, a California joint
venture; UMG RECORDINGS, INC., a
Delaware corporation; BMG MUSIC, a New
York general partnership; and VIRGIN
RECORDS AMERICA, INC., a California
corporation,

Plaintiffs,

v.

JOHN DOE #2,

Defendant.

CASE NO. 3:07-CV-04842-MJJ

The Honorable Martin J. Jenkins

**DECLARATION OF MATTHEW
FRANKLIN JAKSA IN FURTHER
SUPPORT OF *EX PARTE* APPLICATION
TO CONTINUE CASE MANAGEMENT
CONFERENCE AND EXTEND TIME TO
SERVE DEFENDANT**

DECLARATION OF MATTHEW FRANKLIN JAKSA

I, MATTHEW FRANKLIN JAKSA, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California and the United States District Court, Northern District of California. I am an associate with the law firm of Holme Roberts & Owen LLP, counsel of record for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. Plaintiffs filed the Complaint for Copyright Infringement ("Complaint") against Defendant John Doe #2 ("Defendant") on September 20, 2007 alleging that Defendant used an online media distribution system to download and/or distribute certain of Plaintiffs' copyrighted sound recordings, and that such acts constituted infringement of Plaintiffs' copyrights and/or exclusive rights under copyright.

3. Plaintiffs did not have sufficient identifying information to name Defendant in the Complaint, but were able to identify Defendant by the Internet Protocol address assigned to Defendant by Defendant's Internet Service Provider – here, San Francisco State University ("SFSU").

4. Accordingly, also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the Court's permission to serve a Rule 45 subpoena on SFSU in order to obtain information sufficient to identify Defendant, including Defendant's true name, current (and permanent) addresses and telephone numbers, e-mail addresses, and Media Access Control address.

5. This Court has not yet ruled on Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery. Since Plaintiffs do not yet have an order from the Court permitting Plaintiffs to serve a Rule 45 subpoena on SFSU, Plaintiffs are unable to determine the identity of Defendant at this time.

6. If the Court grants Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery, Plaintiffs will attempt to determine Defendant's identity by serving a Rule 45 subpoena on SFSU.

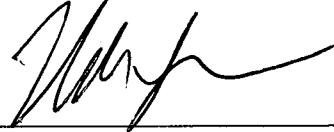
1 7. When and if Plaintiffs discover Defendant's identifying information, Plaintiffs will
2 attempt to contact Defendant and attempt to resolve the dispute. If the dispute is not resolved and it
3 is determined that it would be more appropriate to litigate the copyright infringement claims in
4 another jurisdiction, Plaintiffs will dismiss the present lawsuit and re-file in the appropriate
5 jurisdiction.

6 8. The deadline for Plaintiffs to serve Defendant with the Summons and Complaint is
7 January 18, 2008.

8 9. Unless and until Plaintiffs learn Defendant's identity, Plaintiffs will be unable to
9 amend the complaint to name Defendant or serve the amended complaint on Defendant.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed this 20th day of December, 2007, at San Francisco, California.

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